



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 28, 1994

Mr. Jack Buchanan  
Justice of the Peace  
Howard County  
P.O. Box 346  
Coahoma, Texas 79511

OR94-831

Dear Mr. Buchanan:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30015.

In your capacity as justice of the peace, you have received an open records request for the results of an autopsy that you ordered on a person who committed suicide in Howard County. You inform this office that "persons" have requested that certain portions of the autopsy report not be released to the news media.<sup>1</sup> You inquire whether you are required to release the entire autopsy report to the requestor.

We note initially that the office of the Justice of the Peace is part of the judiciary, *see* Tex. Const. art. V, § 1, and, because of the judicial nature of inquest hearings, is therefore exempt in this instance from the provisions of the Open Records Act. *See* Gov't Code § 552.003(b); *see also* Open Records Decision No. 25 (1974). *But see* *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ) (Webb County Juvenile Board is not extension of judiciary merely because it is composed of members of judiciary). Consequently, the provisions of the Open Records Act cannot be applied to your request.

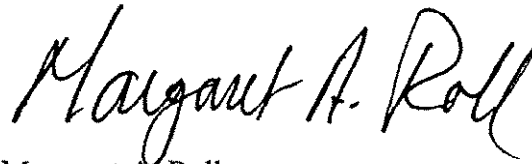
---

<sup>1</sup>You state that the individuals contend that certain information contained in the autopsy report "is a private issue." The right of privacy, however, is purely personal and lapses upon death. *See Moore v. Charles B. Pierce Film Enters Inc.*, 589 S.W.2d 489 (Tex. Civ. App.--Texarkana 1979, writ ref'd n.r.e.); *see also* Attorney General Opinions JM-229 (1984); H-917 (1976). Consequently, there are no recognizable privacy interests at issue here.

We also note, however, that article 49.25, section 11, of the Code of Criminal Procedure specifically provides that autopsy reports are public records. *See also* Open Records Decision No. 21 (1974) (autopsy reports made part of official inquest by justice of the peace are public) (copy enclosed). Consequently, the entire autopsy report constitutes public information that should be made available upon request to the public.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Margaret A. Roll". The signature is written in a cursive, flowing style.

Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/RWP/rho

Ref.: ID# 30015

Enclosures: Open Records Decision No. 21  
Submitted documents

cc: Ms. Kellie Jones  
Staff Writer  
Big Spring Herald  
P.O. Box 1431  
Big Spring, Texas 79721-1431  
(w/o enclosures)